

GOVERNMENT OF THE DISTRICT COLUMBIA
Department on Disability Services



POLICY	
Department on Disability Services, Rehabilitation Services Administration	Subject: Self-Employment Policy
Responsible Program or Office: Office of Quality Assurance and Compliance	Policy Number: 2014-SELF-EMP-POL-XXX
Date of Approval by the Director: TBD	Number of Pages: 4
Effective Date: TBD	Expiration Date, if Any: N/A
Supersedes Policy (Dated): N/A	
Cross References, Related Policies and Procedures, and Related Documents: Financial Participation Policy and Procedure (to be developed); Section IV (Individualized Plan for Employment (IPE) Services), Section V (Economic Needs/Comparable Benefits), and Section XII (Contributions) of the RSA Policy Manual; Section XIV (Due Process Policy and Procedures)	

I. PURPOSE

The purpose of this policy is to ensure that the Department on Disability Services, Rehabilitation Services Administration (“DCRSA” or “Agency”) provides services leading to successful self-employment outcomes for everyone the Agency supports with a vocational goal of self-employment.

II. APPLICABILITY

This policy shall apply to people being served by DCRSA with a goal of self-employment in an Individualized Plan for Employment (“IPE”); DCRSA staff; and any contractors, providers, or vendors authorized to assess, serve, and/or assist clients of the Agency. This policy shall apply to people served by DCRSA requesting the Agency’s assistance with maintaining an existing business they own; those wishing to begin or expand their own business; those wishing to acquire an existing business owned by another person or entity; and those who wish to practice a profession or trade.

III. AUTHORITY

The authority for this policy is established in the Department on Disability Services as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01, *et seq.*); the Federal regulations governing the scope of vocational rehabilitation services, located at 34 CFR § 361.48; and the subchapter of the District of Columbia Municipal Regulations entitled “The Entrepreneurial Program,” located at 29 DCMR § 123.

IV. POLICY

Applicable Definitions

(i) **Self-Employment:** The status of working for profit or fees in one’s own profession, trade or business for a minimum of 10 hours per week, the goals of which include economic self-sufficiency and independence (Source: Department of Labor).

It is the policy of DCRSA to support a broad range of business interests of people who are pursuing self-employment ventures, while ensuring, through effective assessment, structure, and supports, that people are equipped to make important business decisions leading to successful self-employment outcomes. Proposed businesses must be organized as for-profit entities and designed with the intention of ultimately serving as the person’s primary, steady, long-term source of income; be located and operated in an integrated, community-based setting; and comply with all applicable Federal and District laws and regulations.

It is the policy of DCRSA that the Agency’s primary role in assisting a person with a vocational goal of self-employment shall be to provide information and support during the assessment, planning, and business implementation phases. DCRSA ***shall not be a primary source of income or monetary support for the business.***

Moreover, it is the policy of DCRSA that a person’s business plan be developed collaboratively by the person, appropriate support person as identified by the person (when necessary), the DCRSA provider or vendor to whom the person is referred for assessment and consultation, and (only where necessary or appropriate) the vocational rehabilitation (“VR”) Specialist. Furthermore, it is also the policy of DCRSA that the business plan reflects the advice and recommendations given by the consultant or vendor/ provider to which the person is referred by DCRSA for vocational assessment.

V. RESPONSIBILITIES

The responsibility for this policy is vested in DCRSA’s Vocational Rehabilitation Services Division. Compliance with this policy shall be overseen by DCRSA’s Office of Quality Assurance and Compliance.

VI. STANDARDS

The standards by which DCRSA shall evaluate compliance with this policy are as follows:

A. Self-Employment Assessment

When an eligible person expresses interest to pursue a self-employment outcome, the VR Specialist shall explore and discuss the following consistent with 29 DCMR § 123.2 and §123.3:

1. Nature of the desired business;
 - a. What the business will be
2. The feasibility of the business;
 - a. The business' market;
 - b. The business' expected expenses and income
3. The person's preparation for operating the business which may include but not be limited to the following:
 - a. The person's potential for self-employment;
 - b. Determination of training required to prepare the person to open and operate the determined business;
 - c. Assessment of how the person's disability may affect his or her ability to operate the business; and
 - d. Determination of necessary supports or services the person may require to operate the business.

B. Business Plan Components:

The eligible person is required to submit a business plan pursuant to 29 DCMR § 123.8 that:

1. Describes the nature of the business and the income source;
2. Identifies funding sources other than DCRSA and projects income streams that are sufficient to maintain the business;
3. Provides a Five Year Plan for the business that addresses:
 - a. Five years of projected sales;
 - b. The targeted clientele;
 - c. The full range of services to be offered; and
 - d. Sustainability of the business for a five-year period and in a down-turned market;
4. Identifies the specific items and costs for which the business is seeking funding from DCRSA and states the role the items are to play in the operation of the business and generation of business income; and
5. Is approved by the DDS Deputy Director for DCRSA.

C. Approval Criteria for a Plan of Self-Employment

DCRSA may purchase goods and services for a business enterprise, including the occupational licenses, tools, equipment, initial stocks, and supplies necessary to open the business, in accordance with §§ 119, and 120, subject to determination of financial participation and *only after the person*:

1. Demonstrates that s/he or a support person possesses the basic knowledge and skills required to manage a business through either:
 - a. Successful completion of training as required in the person's IPE;
 - b. Successful completion of related courses; or
 - c. Past work experience or entrepreneurial experience;
2. Submits a business plan completed in accordance with § 123.8, and approved by the DDS Deputy Director for DCRSA ;
3. Submits a request for funding; and
4. Provides documentation of any additional funding secured for the business.

D. Monitoring and Rehabilitation Criteria for Self-Employment

Based upon the federal regulations, the VR Specialist can determine a successful self-employment outcome has been achieved when all of the following criteria are met:

1. The provision of services under the person's IPE has contributed to the achievement of the self-employment outcome.
2. The self-employment outcome is consistent with the person's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. The self-employment outcome is in the most integrated setting possible, consistent with the person's informed choice.
4. The person has maintained the self-employment outcome for a period of at least 90 days.
5. The person has submitted a monthly report of income and expenses from the business during the 90 days of monitoring and:
 - a. Case may be closed in competitive employment if the person is averaging a business profit or salary over a 90-day period at a rate equal to or above Washington DC minimum wage. This is the anticipated outcome to be reached; or
 - b. Case may be closed in non-competitive employment if the person is averaging a business profit or salary over a 90-day period at a rate less than minimum wage BUT the business should be earning a profit for the past 90 days. Moreover, a plan should be in place on how the person will achieve competitive self-employment.
6. The person and the VR specialist consider the self-employment outcome to be satisfactory and agree that the person is performing well in conducting the business of self-employment.

Laura L. Nuss, Director
Department on Disability Services

Approval Date

Andrew P. Reese, Deputy Director
DDS/Rehabilitation Services Administration

Approval Date